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| 09/412,087      | 10/04/1999  | GARY L. BURGE        | 1355-171C           | 9198             |

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EXAMINER

YOUNG, JOHN L

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| ART UNIT | PAPER NUMBER |
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3622

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/412,087

Applicant(s)  
Burge et al.

Examiner  
John Young

Art Unit  
3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 31, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3622

**REQUEST FOR CONTINUED EXAMINATION (RCE)**

1. **The request for continued examination (RCE) filed on 12/31/2002 under 37 CFR 1.114 based on parent Application No. 09/412,087 is acceptable and an RCE has been established. An action on the RCE follows:**

**DRAWINGS**

2. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§ 119, 120, 121, or 365.

**REVISED 35 U.S.C. §103(a) REJECTIONS FOR CLAIMS 1-20**

3. **Rejections Maintained.**

**The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

4. Independent claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dedrick 5,710,884 (01/20/1998) [US f/d: 03/29/1995] (herein referred to as "Dedrick '884") in

Art Unit: 3622

view of Ritchie 6,295,530 (US f/d: 5/15/1996] (herein referred to as “Ritchie”).

As per claim 1, Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; and col. 4, ll. 1-67; col. 7, ll. 9-65) shows elements that suggest:

A system for customizing displays, comprising: electronic user profile data comprising on-line behavior data and personal data; content data **from** a plurality of content providers; a plurality of model parameters identifying display characteristics for a computer display; a plurality of actual display characteristics selected in accordance with said electronic user profile data, said content data **from said plurality of content providers**, and said plurality of model parameters; and a display comprising said actual display characteristics **and said content data from said plurality of content providers**.

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: “*statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spends consuming the electronic content. . . .*”

Art Unit: 3622

Dedrick '884 (col. 3, ll. 13-18; and col. 3, ll. 23-25) discloses: *"Each client system . . . may be any other type of consumer consumption device, such as a television set, a cable settop converter, a game machine, etc. The server . . . is typically a dedicated computer that provides an interconnect contact node which allows the client systems . . . to communicate with the server . . . and other client systems. . . . the server . . . and the client systems . . . contain the necessary interface hardware and software required to transfer information between the components of the system. . . ."*

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses *"consumption formats include formats such as audio, video, graphics, animation, text, etc. . . ."*

Dedrick '884 lacks an explicit recitation of: "a plurality of model parameters identifying display characteristics for a computer display. . . ."

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) would have been selected in accordance with "a plurality of model parameters identifying display characteristics for a computer display. . . ." because such selection would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (See Dedrick '884 (col. 4, ll. 65-67)).

Dedrick '884 lacks an explicit recitation of: **"content data from said plurality of content providers."**

Art Unit: 3622

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, ll. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “**content data from said plurality of content providers.**”

Ritchie proposes “**content data from said plurality of content providers**” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “*to display viewable data in accordance with the specified page format.*” (See Ritchie (col. 5, ll. 1-10)).

As per claim 2, Dedrick ‘884 in view of Ritchie shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick ‘884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: “*statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spends consuming the electronic content. . . .*”

Art Unit: 3622

Dedrick '884 (col. 4, ll. 24-34; col. 8, ll. 32-52) shows elements that suggest “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

Dedrick '884 lacks an explicit recitation of “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 24-34; and col. 17, ll. 13-25) would have been selected in accordance with “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites. . . .” because such selection would have provided means for “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 2, ll. 1-5)).

As per claim 3, Dedrick '884 in view of Ritchie shows the system of claim 1. (See the rejection of claim 1 supra).

Art Unit: 3622

Dedrick '884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) shows elements that suggest “wherein the personal data comprises age, sex, hobbies, and interests.”

Dedrick '884 lacks an explicit recitation of: “wherein the personal data comprises age, sex, hobbies, and interests.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) would have been selected in accordance with “wherein the personal data comprises age, sex, hobbies, and interests. . . .” because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 4, Dedrick '884 in view of Ritchie shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . . .”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”



Art Unit: 3622

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts.”

Dedrick '884 lacks an explicit recitation of: “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 5, Dedrick '884 in view of Ritchie shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest “wherein said content data comprises data for products and services.”

Dedrick '884 lacks an explicit recitation of: “wherein said content data comprises data for products and services. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with “wherein said content data comprises data for products and services. . . .” because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[ select] the ‘buy’ option. (See Dedrick '884 (col. 19, ll. 42-55)).

Dedrick '884 lacks an explicit recitation of: “content data comprises data . . . **from each of said plurality of content providers.**”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “content data comprises data . . . **from each of said plurality of content providers.**”

Ritchie proposes “content data comprises data . . . **from each of said plurality of content providers**” modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the

Art Unit: 3622

invention to combine the disclosure of Ritchie with the teachings of Dedrick '884 because such combination would have provided means for the end user *"to consume the advertisement in whichever format he or she prefers. . . ."* (see Dedrick '884 (col. 4, ll. 65-67)) and would have provided means *"to display viewable data in accordance with the specified page format."* (See Ritchie (col. 5, ll. 1-10)).

As per claim 6, Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 6.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 6.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 6 because such selection would have provided a method of *"[customizing] electronic information to individual end users without specific direction from the users. That is "[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic*

Art Unit: 3622

*information for that individual user based on these previous actions.”* (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Dedrick ‘884 lacks an explicit recitation of: “content provider data **from said plurality of content providers.**”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “content provider data **from said plurality of content providers.**”

Ritchie proposes “content provider data **from said plurality of content providers.**” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “*to display viewable data in accordance with the specified page format.*” (See Ritchie (col. 5, ll. 1-10)).

As per claim 7, Dedrick ‘884 in view of Ritchie shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) shows elements that

Art Unit: 3622

suggest “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

Dedrick ‘884 lacks an explicit recital of “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) would have been selected in accordance with “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user. . . .” “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 2, ll. 1-5)).

As per claim 8, Dedrick ‘884 in view of Ritchie shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25;

Art Unit: 3622

and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 8.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 8 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 9, Dedrick '884 in view of Ritchie shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .”

Art Unit: 3622

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 9.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 9.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 9 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 10, Dedrick '884 in view of Ritchie in view of shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest the elements and limitations of claim 10.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 10.

Art Unit: 3622

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with the elements and limitations of claim 10 because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[ select] the ‘buy’ option.. (See Dedrick '884 (col. 19, ll. 42-55)).

Dedrick '884 lacks an explicit recitation of: “selecting products and services **from each of said plurality of content providers.**”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “selecting products and services **from each of said plurality of content providers.**”

Ritchie proposes “selecting products and services **from each of said plurality of content providers**” modifications that would have applied to the teachings of Dedrick '884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick '884 because such combination would have provided means for the end user “to consume the advertisement in whichever format he or she prefers. . . .” (see Dedrick '884 (col. 4, ll. 65-67)) and would have provided means “to display viewable data in accordance with the specified page format.” (See Ritchie (col. 5, ll. 1-10)).



Art Unit: 3622

As per claim 11, Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest “b) defining account data for a plurality of merchants. . . .”

Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 11.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 11.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 11 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have

Art Unit: 3622

provided “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick ‘884 (col. 1, ll. 59-65)).

Dedrick ‘884 lacks an explicit recitation of: “combining said electronic profile data and said account data defined for said plurality of merchants to create a customized computer display in accordance with said model parameters.”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “combining said electronic profile data and said account data defined for said plurality of merchants to create a customized computer display in accordance with said model parameters.”

Ritchie proposes “account data defined for said plurality of merchants” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “*to display viewable data in accordance with the specified page format.*” (See Ritchie (col. 5, ll. 1-10)).

As per claim 12, Dedrick ‘884 in view of Ritchie shows the system of claim 11. (See the rejection of claim 11 supra).

Art Unit: 3622

Dedrick '884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 12.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 12.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 12 because such selection would have provided a means for “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 2, ll. 1-5)).

As per claim 13, Dedrick '884 in view of Ritchie shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (FIG. 8; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25;

Art Unit: 3622

col. 17, ll. 32-60) col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest the elements and limitations of claim 13.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 13.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; col. 17, ll. 32-60) col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with the elements and limitations of claim 13 because such selection would have provided a means for “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick '884 (col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick '884 (col. 1, ll. 59-65)).

As per claim 14, Dedrick '884 in view of Ritchie shows the system of claim 11. (See the rejection of claim 11 supra).

Art Unit: 3622

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 14.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 14 because such selection would have provided a method of “[*customizing*] *electronic information to individual end users without specific direction from the users. That is* “[*monitoring*] *the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.*” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 15, Dedrick '884 in view of Ritchie shows the system of claim 11.

(See the rejection of claim 11 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; col. 4, ll. 1-67; col. 7, ll. 8-65; col. 5, ll. 1-16; col. 5, ll. 50-67; and col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 15.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; col. 4, ll. 1-67; col. 7, ll. 8-65; col. 5, ll. 1-16; col. 5, ll. 50-67; and col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 15 because such selection would have provided a method of “[*customizing*] electronic information to individual end users without specific direction from the users. That is “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 16, Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest a database for storing merchant data for a plurality of merchants. . . .”

Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 16.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 16.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 16 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and

Art Unit: 3622

*customizes subsequent units of electronic information for that individual user based on these previous actions. . . .*” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick ‘884 (col. 1, ll. 59-65)).

Dedrick ‘884 lacks an explicit recitation of: “**merchant data from said plurality of merchants.**”

Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2) shows elements that suggest “**merchant data from said plurality of merchants.**”

Ritchie proposes “**merchant data from said plurality of merchants**” modifications that would have applied to the teachings of Dedrick ‘884. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Ritchie with the teachings of Dedrick ‘884 because such combination would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (see Dedrick ‘884 (col. 4, ll. 65-67)) and would have provided means “*to display viewable data in accordance with the specified page format.*” (See Ritchie (col. 5, ll. 1-10)).

As per claim 17, Dedrick ‘884 in view of Ritchie shows the system of claim 16. (See the rejection of claim 16 supra).



Art Unit: 3622

Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 14-34; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 8, ll. 32-52; col. 12, ll. 26-43; and col. 17, ll. 13-25) shows elements that suggest the elements and limitations of claim 17.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 17.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 14-34; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 8, ll. 32-52; col. 12, ll. 26-43; and col. 17, ll. 13-25) would have been selected in accordance with the elements and limitations of claim 17 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick '884 (col. 1, ll. 59-65)).

As per claim 18, Dedrick '884 in view of Ritchie shows the system of claim 16. (See the rejection of claim 16 supra).

Art Unit: 3622

Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; col. 19, ll. 42-55; col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest the elements and limitations of claim 18.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 18; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; col. 19, ll. 42-55; col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) would have been selected in accordance with the elements and limitations of claim 18 because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[ select] the ‘buy’ option.. (See Dedrick '884 (col. 19, ll. 42-55)).

As per claim 19, Dedrick '884 in view of Ritchie shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Art Unit: 3622

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 19.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 19.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 19 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 20, Dedrick '884 in view of Ritchie shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col.

Art Unit: 3622

7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 20.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 20 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

## RESPONSE TO ARGUMENTS

5. Applicant's arguments have been considered but are not persuasive for the following reasons:

In view of the new grounds of rejection necessitated by Applicant's amendment, Applicant's arguments are moot. For example, Applicant's arguments (Amendment B, paper#14, pp. 4-5) contends that Dedrick '884 "does not teach or even suggest that a single display or window may comprise content from a plurality of content providers or merchants. . . ."; Assuming *arguendo* that this is the case, the teachings of Dedrick '884 are herein combined with the disclosure of Ritchie which does in fact teach that "a single display or window may comprise content from a plurality of content providers or merchants. . . ." (see Ritchie (FIG. 7; col. 9, ll. 58-67; col. 10, l. 1-25; col. 14, ll. 36-50; col. 16, ll. 26-67; col. 17, ll. 1-67; and col. 18, ll. 1-2).

Applicant's arguments (Amendment B, paper#14, p. 5) alleges that "Dedrick teaches away from placing content from multiple content providers in one display or window. . . ." This is not the case.

Preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. (See *In re Susi*, 169 USPQ 423 (CCPA 1971).

Along with viewing a single page or screen, Dedrick '884 (col. 11, ll. 20-34; and col. 17, ll. 3-13) shows elements that suggest "placing content from multiple content providers in one display or window. . . ."

Art Unit: 3622

For the reasons stated above, claims 1-20 of the instant application stand rejected.

### **CONCLUSION**

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/412,087

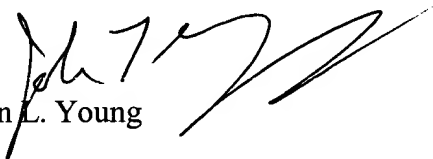
(Burge et al.)

30

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

(Partial Signatory Authority)

Patent Examiner

January 26, 2003